

ARTHUR K. PRIOR

JULY 1, 1952.—Committed to the Committee of the Whole House and ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2147]

The Committee on the Judiciary, to whom was referred the bill (S. 2147) for the relief of Arthur K. Prior, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the proposed legislation, as amended, is to provide for payment of the sum of \$520.28 to Arthur K. Prior of South Orrington, Maine, which sum represents the amount paid by him in satisfaction of a judgment rendered against him in the Superior Court at Bangor, Maine, for damage caused by him in an accident involving a United States mail truck driven by claimant in the course of his employment as an employee of the Post Office Department.

STATEMENT

When this bill was introduced the sponsor of the bill was advised that the sum of the judgment amounted to \$482, and, accordingly, said figure was specified therein. Subsequently the claimant submitted evidence to the sponsor of the bill showing that he had paid the sum of \$520.28 to the attorney for the plaintiff, under date of November 8, 1951, in full satisfaction of the judgment, together with interest thereon and court costs. The bill is amended, therefore, to provide reimbursement for the total amount paid by claimant.

Claimant was sued in his individual capacity in the Superior Court at Bangor, Maine, by one John J. Aloes for damages sustained in an accident involving a United States mail truck driven by claimant which occurred at Bangor, Maine, on December 22, 1945. Prior to instituting this suit the plaintiff therein had presented a claim to the Post Office Department seeking administrative settlement of the

damages suffered in the afore-mentioned accident, but this claim was denied on the ground that the evidence submitted in support of the claim failed to establish liability on the part of the Government. However, when the case was tried in the Maine court a verdict was rendered in favor of Mr. Aloes, against the claimant herein, and the resulting judgment has been paid in full by claimant out of his own funds.

At the time Mr. Aloes brought suit against Mr. Prior, the Federal Tort Claims Act was in effect; under the provisions of that act Mr. Aloes could have sued the Government, since Mr. Prior was acting, at the time the accident occurred, in the course of his employment as an employee of an agency of the United States Government. Nothing in the act precludes the injured party, however, from suing the employee involved in an individual capacity, and this Mr. Aloes elected to do in the instant case. Similar situations have given rise previously to several private bills for the reimbursement of the Government employees involved, and the committee has reported such bills favorably where, as here, there was no showing whatsoever of willful negligence on the part of said employees. The committee has no intention of going behind the decision of the court in this or any similar case, but it does feel that certain equities favor reimbursement of the Government employee subjected to personal suit by an injured party as in this case, since if the latter had elected to proceed with suit against the Government it is to be presumed that the same showing of negligence on the part of the employee, while acting within the scope of his employment, would have resulted in judgment against the Government.

The Post Office Department favors enactment of this bill, and the Department of Justice has advised the chairman of the committee that since the bill presents a question of legislative policy, it prefers to make no recommendation regarding this bill.

In these circumstances the committee is of the opinion that the claim involved herein is meritorious and recommends that the bill, S. 2147, as amended, receive favorable consideration.

DEPARTMENT OF JUSTICE,  
OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
Washington, November 7, 1951.

Hon. PAT MCCARRAN,  
*Chairman, Committee on the Judiciary,  
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (S. 2147) for the relief of Arthur K. Prior.

The bill would provide for payment of the sum of \$482 to Arthur K. Prior, of South Orrington, Maine, which sum represents the amount of a judgment rendered against him in the Superior Court, Bangor, Maine, for damage caused by him in the course of his employment as an employee of the Post Office Department.

In compliance with your request, a report was obtained from the Post Office Department concerning this legislation. According to that report, which is enclosed, claimant was sued by one John J. Aloes for damages sustained in an accident involving a United States mail truck driven by claimant which occurred at Bangor, Maine, on December 22, 1945. Prior to the suit, Mr. Aloes had presented an administrative claim to the Post Office Department which was disallowed on the grounds that the evidence did not establish the responsibility of the Government. When the case was tried in a State court, however, a verdict was rendered in favor of Mr. Aloes in the sum of \$482, plus costs, which Mr. Prior was required to pay. The Post Office Department states that in the circumstances it believes that favorable consideration should be given to the bill.

Whether the bill should be enacted presents a question of legislative policy concerning which the Department of Justice prefers to make no recommendation.

The Director of the Bureau of the Budget has advised this office that there would be no objection to the submission of this report.

Sincerely,

A. DEVITT VANECH,  
*Deputy Attorney General.*

OFFICE OF THE POSTMASTER GENERAL,  
*Washington 25, D. C., October 11, 1951.*

HON. WILLIAM AMORY UNDERHILL,  
*Acting Deputy Attorney General,*  
*Washington 25, D. C.*

DEAR MR. UNDERHILL: This will acknowledge your letter of September 26, requesting the comments of this Department on S. 2147, a bill for the relief of Arthur K. Prior.

Mr. Prior, a postal employee, was sued by John J. Aloes for damages sustained in an accident involving a United States mail truck driven by Mr. Prior, which occurred at Bangor, Maine, on December 22, 1945. Mr. Aloes had previously presented an administrative claim which was disallowed by the Department on the grounds that the evidence did not establish the responsibility of the Government. However, when this case was tried in a State court a verdict was rendered in favor of Mr. Aloes in the sum of \$482 plus costs, which Mr. Prior was required to pay.

In the circumstances it is my opinion that favorable consideration should be given to this bill.

Sincerely yours,

J. M. DONALDSON,  
*Postmaster General.*

○

With the exception of the small amount of the total population which is engaged in agriculture, the remainder of the population is engaged in commerce and industry. The population of the city of New York is estimated to be 1,000,000.

A. H. TAYLOR  
 President of the Board of Directors

President of the Board of Directors  
 New York City, N. Y.

100 Wall Street, New York City, N. Y.

The following is a list of the names of the members of the Board of Directors of the New York City Board of Directors, as of the 1st day of January, 1911.

The following is a list of the names of the members of the Board of Directors of the New York City Board of Directors, as of the 1st day of January, 1911.

The following is a list of the names of the members of the Board of Directors of the New York City Board of Directors, as of the 1st day of January, 1911.

A. H. TAYLOR  
 President of the Board of Directors

